

## **Response**

**of the Ukrainian Government  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Ukraine**

**from 9 to 21 September 2009**

The Ukrainian Government has requested the publication of this response. The report of the CPT on its September 2009 visit to Ukraine is set out in document CPT/Inf (2011) 29.

Strasbourg, 23 November 2011



**REPORT**  
**ON THE ACTION TAKING UPON THE CPT RECOMMENDATIONS AND REMARKS**  
**SET OUT IN THE REPORT TO THE UKRAINIAN GOVERNMENT ON THE VISIT OF**  
**THE CPT DELEGATION TO UKRAINE SEPTEMBER 9 – 21, 2009**

The report drawn up by the European Committee for the prevention of torture after its visit to Ukraine from 9 to 21 September 2009 and forwarded to the Ukrainian Government has been carefully studied by the State Department of Ukraine on Enforcement of Sentences and other state bodies. The recommendations and comments stated in the above-mentioned CPT Report have been analyzed thoroughly; the complex of organisational and practical actions has been elaborated and taken to eliminate the shortcomings revealed.

**A . Establishments under the authority of the Ministry of Internal Affairs of Ukraine**

11. The CPT once again calls upon the Ukrainian authorities to take resolute steps to stamp out this practice and to ensure that the detention and questioning of persons suspected of a criminal offence are always carried out in full compliance with the provisions of the Criminal Procedural Code of Ukraine (further – CPC).

This issue is regulated due to adoption of the Law of Ukraine “On introduction of changes to the CPC concerning the right of the witness for defender or other legal assistance (No 2395-VI of 01.07.2010)

13. The CPT reiterates its recommendation that any non standard-issue items capable of being used for inflicting ill-treatment be removed from Internal Affairs premises where persons might be questioned.

Special commissions are established for inspection of the rooms of the criminal search officers in order to identify objects that may be used for inflicting physical or psychical ill-treatment, including individual protection equipment (gas masks), which must be transferred for permanent storage to the militia duty offices of the city district linear subdivisions.

16. The CPT recommends that a firm message of “zero tolerance” of ill-treatment continue to be delivered at regular intervals to all Internal Affairs staff. It should be made clear that the perpetrators of ill-treatment and those condoning or encouraging such acts will be subject to severe sanctions.

In the current year for misuse of authority or abuse of office 21 former officer of the internal affairs bodies was drawn to the criminal responsibility (for the same period of 2009 – 18 officers), for excess of authority or power of office – 24 (2009 – 45).

In April the meeting of the Board of the MIA of Ukraine on issues of discipline enforcement and observance of law in the activities of the law enforcement bodies, as well as measures on their strengthening was held. The Board has taken the decision to officer of his/her personal responsibility for strengthening legality and protection of citizens’ rights and legal interests; intolerance of the uncensorious attitude to the law-violators, independently of posts, which they occupy. Once every three months to review the results of the work and to disroot the facts of leaving of the mentioned manifestations without proper response elaborate the Comprehensive program on the organization of upbringing work in the internal affairs bodies and their subdivisions for 2010 – 2012. Heads of the main departments, departments of the MIA of Ukraine in the Autonomous Republic of Crym, regions, cities of Kyiv and Sevastopol are entrusted to build in the subordinated collectives of the bodies and subdivisions the atmosphere of intolerance to negative manifestations and arbitrary rule.

17. The CPT recommends that a clear message be delivered to Internal Affairs staff that abusing their position in order to obtain money from detained persons will be the subject of severe sanctions. Further, the Committee wishes to stress the need for the adoption of a comprehensive strategy - based on specific legislation, prevention, education and the application of appropriate sanctions for combating corruption at the Internal Affairs bodies.

The priorities and the most important directions of the service activities of the internal affairs bodies are defined by the Order of the MIA of Ukraine of 26.03.2010 No 90. They are aimed at mandatory ensuring of the constitutional rights and freedoms of man and the citizen, respect for honor and dignity of every person, improvement of the public confidence in the ability of militia to carry out its mandated tasks, ensuring the proper discipline situation and legality in the activities of internal affairs bodies, preventing commitment of illegal actions by militia officers.

27. The CPT recommends that further measures be taken to ensure that all detained persons effectively benefit from the right of notification of custody as from the very outset of their deprivation of liberty.

In this context, it should be made clear to Internal Affairs staff that their obligation to notify the relatives of detained persons of the fact of their detention entails the responsibility to provide accurate information as regards the detained persons' whereabouts.

The complex of the organizational and practical measures is defined, directed on preventing the militia misconduct in relation to suspected persons, including facts of their illegal apprehension, refusal to ensure access to qualified judicial assistance or to notify the relatives of detention. The right to defend one's self or to have access to the legal assistance of the advocate is ensured to the detained persons from the very outset of their apprehension. Without delay, but not later than in two hours after apprehension of the person the relatives (and, in the case of the verbal or written request - the defender, as well as administration of the place of work or study) are notified of his/her whereabouts.

The measures are taken on preventing violations of the terms of keeping citizens in the rooms for apprehended and delivered persons (further – KZD) and reduction of the number of the detained sick persons. So, in the first half-year the number of the persons, apprehended for the term of more than 3 hours decreased for 31.2% (from 37,159 cases in the last year to 3,930 in this year), the number of persons, who were apprehended for the term of more than 24 hours has decreased for 28.6% (from 5,505 to 3,930), the number of the kept persons, who are ill with tuberculosis decreased for 75% (from 251 to 61).

31. The CPT recommends that the Ukrainian authorities take steps to ensure that all persons detained by the Internal Affairs bodies are fully informed of their rights (including the rights indicated above). This should involve the provision of clear verbal information at the very outset of deprivation of liberty, to be supplemented at the earliest opportunity (that is, immediately upon first entry into Internal Affairs premises) by provision of a written information on rights. In this context, the Committee recommends that the Ukrainian authorities draw up an information sheet on rights which is more simple and easy to understand and available in an appropriate range of languages. Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on Internal Affairs staff to ascertain that this is the case.

At apprehension by the militia officers, according to the Instruction of the MIA of Ukraine of 18.04.2006 No 338 "On ensuring reading of the fundamental rights of citizens apprehended on suspicion of committing a crime or in connection with administrative offenses", the persons are informed about grounds and motives of apprehension, their right to appeal in court is explained to them, explanations concerning the content of Art. 63 of the Constitution of Ukraine related to their right to refuse of any explanations or testimony before the arrival of the defender are given. They are also provided with explanations of Articles 28, 29, 55, 56, 59, 62 and 63 of the Constitution of Ukraine in the printed form.

32. The CPT also recommends that a specific version of the information sheet on rights, setting out the particular position of detained juveniles (i.e. mandatory assistance by a lawyer, possibility to have a trusted adult present), be developed and given to all such persons taken into custody. For this age group especially, the information sheet should be made easy to understand and be available in a variety of languages. Special care should also be taken to explain the information to ensure comprehension.

Since May of the current year the MIA of Ukraine takes part in realization of the project "Juvenile Justice Reform in Ukraine", which aims at implementation into Ukrainian legislation of the provisions of Recommendation REC(2003)20 of the Committee of Ministers of the Council of Europe concerning the new ways of combating juvenile crime, role of justice concerning the minors and next stages of the judicial reform in Ukraine, as well as development of the new methods of work in the sphere of the law enforcement activities related to minors.

33. The CPT calls upon the Ukrainian authorities to take steps to ensure that custody registers are properly maintained, accurately record the times of apprehension, placement in a cell, release or transfer, and reflect all other aspects of custody (precise location where a detained person is being held; visits by a lawyer, relative, doctor or consular officer; taking out for questioning, etc.).

According to the Order of the MIA of Ukraine of 02.12.2008 No 638, in every special institution there are special registers of the persons, who are placed to the temporary holding facilities (ITT) or to the reception and distribution centers for vagrants; initial examination and provision of the medical assistance to the persons, who are detained in the ITT; books of daily medical examination of the detained persons, in which they (of their own signature) daily register their state of health and availability of complaints, as well as registers of acquaintance of the persons, who are placed into the special institutions, with their rights and duties.

34. The CPT recommends that the Ukrainian authorities build upon the experience of the mobile groups to develop a system of monitoring visits to Internal Affairs establishments by fully independent outside bodies.

According to the item 1.2. of the Order of the MIA of Ukraine of 31.08.2006 No 894 to the mobile groups (except for the officers of the Inner Security Dpt. of the Main Dpt. on combating organized crime and workers of the educational institutions of the MIA of Ukraine, which have experience of practical and scientific work in the sphere of respect for human and citizens' rights and protection of their legal interests) representatives of the public organizations, registered according to the established by the law procedure, in the sphere of the observance of the human rights are also included.

Personal composition of the mobile groups; schedules of visiting bodies and subdivisions; persons, responsible for organization of the activities of the mobile groups and solving of other issues related to their activities are to be defined at the meetings of the social councils on issues of observance of human rights at the main departments, departments and departments of the MIA of Ukraine on transport.

35. The CPT would like to be provided with a copy of the Ministry of Internal Affairs Order No. 181 of 28 April 2009, which is said to pay particular attention to the respect of the constitutional rights of citizens.

The texts of the Order №181 of 28.04.2009 may be found on the official site (<http://zakonl.rada.gov.ua/cgi-bin/laws/main.cgi?user=o51>).

37, 38, 39 The CPT recommends that the Ukrainian authorities pursue their efforts to provide appropriate conditions of detention to persons held in Internal Affairs Divisions. This should involve steps to ensure that:

1. cells are of a reasonable size for their intended occupancy, cells measuring less than 5 m<sup>2</sup> not being used for periods of detention exceeding three hours;
2. measuring adequate in-cell lighting (access to natural light/artificial lighting), ventilation and heating are provided
3. all cells are equipped with a means of rest suitable for overnight stays;
4. all persons detained overnight are provided with clean mattresses and blankets;
5. Internal Affairs Division are allocated a specific budget to cover the cost pf providing food to detained persons.

By the item 11.2 of the Instruction on work of ITT of the internal affairs bodies of Ukraine (approved by the Order of the MIA of Ukraine of 20.01.2005 No 60дск) and by the item 8.2 of the Internal code of conduct in the ITT of the internal affairs bodies of Ukraine (approved by the Order of the MIA of Ukraine of 02.12.2008 No 638) it is stipulated, that placed in the ITT persons are kept in the cells with the full technical equipment, natural and artificial lightning in accordance with the sanitary norms, measuring no less than 4 m<sup>2</sup> of the effective space for one person.

Due to the results of the official investigation, carried out by the Main Department of the MIA of Ukraine in the Dnipropetrovs'k and Kyiv Regions, Departments of the MIA of Ukraine in the Luhansk and Chernihiv Regions, it was established, that in some cells of the ITT the effective space for one person really was less than 4 m<sup>2</sup>. So, in ITT of the Chernihiv District Department only in the cell No 2, which is intended for keeping 2 persons, the effective space for one person is 3.3 m<sup>2</sup>, and in the rest of the cells the mentioned space norm even exceeds the established norm. The same situation is in the ITTs of the Dnipropetrovs'k and Luhansk city departments. Currently the deficiencies are eliminated; the occupancy of the cells is reduced to the established norms.

As to the inadequate natural light and poor ventilation of the ITT of Slavutych city department, absence of windowpanes in some cells and the state of dilapidation of the shower room in the ITT of the Dneprodzerzhinsk city department it should be noted that during the official investigations, the information, contained in the CPT's report was not confirmed. For this reason we would like to ask the members of the CPT's delegation to draw the attention of the heads of the internal affairs bodies, present at inspection, to the identified deficiencies, while after a long time (9 months), which have elapsed since the visit to ITT, it is impossible to establish the fault of officials and to solve the issue on bringing them to responsibility.

Concerning non-provision of access to outdoor exercises, for some persons, who were detained in the ITT of the Dneprodzerzhinsk city department, in particular, administratively arrested persons, in result of the official investigation the information was confirmed, but such cases are rare. Officials, responsible for these deficiencies, are drawn to criminal responsibility; they were obliged to provide access to outdoor exercises to all, without exception persons, detained in the institution.

Besides, in the CPT's report it is mentioned, that the ITT of the Stakhanovsk city division and Luhansk city department are equipped with too small exercise yards, which do not allow physical exercise in the open air. In the course of the official investigation it was established, that ITT of the Stakhanovsk city department is equipped with 3 exercise yards. Their total area is 8.01, 8.1 and 16.53 m<sup>2</sup>; the latter of them is equipped with necessary sports equipment.

The ITT of the Luhansk city department is equipped with the yard with the total area of 12 m<sup>2</sup>, which corresponds to the established norms, while by the item 13.7 of the Instruction on work of ITT of the internal affairs bodies of Ukraine (approved by the Order of the MIA of Ukraine of 20.01.2005 No 60дск) it is stipulated, that the space of the exercise yard is calculated at 4 m<sup>2</sup> for one person and simultaneous outdoor exercises of the detained and taken into custody persons, who are placed in the cell of the biggest capacity.

38 The CPT recommends that the Ukrainian authorities pursue the renovation of ITTs, a high priority being given to refurbishing the detention facility in Dnipropetrovsk and building a new ITT in Dniprodzerzhinsk. In this context, the Committee recommends that:

1. the official occupancy levels of cells be reduced, the objective being to offer at least 4 m<sup>2</sup> of living space per detainee in multi-occupancy cells; cells of less than 7 m<sup>2</sup> should never accommodate more than one detained person;
2. missing window panes be replaced in the cells at Dniprodzerzhinsk ITT;
3. access to natural light be significantly improved in the cells at Slavutich ITT;
4. the shower facilities be refurbished at Dniprodzerzhinsk ITT;
5. measures be taken to ensure that detainees have access to at least one hour of outdoor exercise a day and that outdoor exercise yards are sufficiently large and adequately equipped.

By the Instruction of the Ministry of 23.06.2010 No 518 heads of the territorial subdivisions of the MIA of Ukraine are obliged to consider the CPT's Report on the operational meetings and to take comprehensive corrective measures, directed at their prevention in future and ensuring absolute fulfillment of the recommendations.

Besides, according to the Program of building, reconstruction and repairs of the special militia establishments, approved by the Order of the MIA of Ukraine No 1001 of 15.11.2005 at this time 24 new ITTs are being built, reconstruction and capital repair in 57 ITTs (their activities are temporarily suspended) is going on. The sum of 10 mln. hrn. is assigned by the general fund of the State budget of Ukraine for 2010 for solving of the mentioned problems.

42. The CPT recommends that the Ukrainian authorities employ female staff in detention areas in all ITTs and ensure that at least one female staff member is constantly present whenever female detainees are accommodated.

According to the Article 264 of the Administrative Code of Ukraine the personal search may be performed only by the duly authorized person of the same gender with the searched person and in the presence of two attesting witnesses of the same gender. Failure to comply with these requirements is a violation of the law of Ukraine. Absence of the detailed information in the CPT's report concerning search of the women, carried by the men, does not allow establishing the guilty officials and drawing them to responsibility. In case the CPT provides more detailed information about the raised issue, the MIA of Ukraine will take appropriate response measures. Nowadays in special institutions and convoy militia work about 370 women. In the absence of women in staff of the ITT, the women, who work in other units of the internal affairs bodies, are accordingly trained,

passed special tests and by the orders of the heads of the city district departments are provided access to safe-keeping and conveying the apprehended and detained persons, are involved. Despite this the heads of the territorial departments of the MIA of Ukraine are instructed to take measures aimed at employment of women by special establishments and convoy divisions of militia, according to the basic needs.

43. The CPT recommends that steps be taken at the Lugansk Reception and Distribution Centre for vagrants to:

1. improve access to natural light in the cells;
2. enlarge the outdoor exercise yard;
3. provide some form of activity in addition to outdoor exercise (e.g. access to radio, TV, reading matter, board games, work).

On 29<sup>th</sup> June of this year the Constitutional Court of Ukraine took the decision № 17-пн/2010 in the case No 1-25/2010 on the constitutional petition of the Commissioner of the Verkhovna Rada of Ukraine on Human Rights (Ombudsman) about contradiction of the provisions of the part 1 of the Article 11 of the Law of Ukraine “On Militia” of 20.11.1990 No 565-XII (as amended) and the Constitution of Ukraine, namely abs. 8 item 5, according to which the militia by a reasoned court decision is empowered to apprehend and keep in specially designated premises persons, suspected in vagabondism, for the term up to 30 days.

Therefore, today the issue of dissolution of the reception and distribution centers for vagrants or their redevelopment into other institutions is being considered. At that, recommendations of CPT will be also taken into account.

44. The CPT recommends that the Ukrainian authorities take steps to review the arrangements for transporting detained persons.

According to the Instructions on organization of convoy of the apprehended and detained persons in the Internal Affairs of Ukraine, approved by the Order of MIA of 20.01.2005 № 60ДСК, production of such vehicles may be ordered due to previously developed technical design specification, which must be obligingly agreed with the Central sanitary and epidemiological station of the MIA of Ukraine. It means that special and fully meets the established health standards. The internal planning of the passenger compartment provides for equipping of the one-, two-, three- and four-place cells, as well as mass cells, while, according to the part 2 of the Art.7 of the Law of Ukraine “On pre-trial detention”, one of the main requirements of the regime in places of pre-trial detention is the isolation of persons taken into custody and their separate holding due to the procedure, envisaged by the Art. 8 of the mentioned Law, including transportation.

Violation of the mentioned requirements results in hindering the establishment of the objective truth during the pretrial investigation and judicial proceedings (Art.2 of the Code of Criminal Procedure of Ukraine).

44. The Committee calls upon the Ukrainian authorities to adopt clear instructions for custodial/escort staff at the secure ward of Kyiv Emergency Hospital.

Heads of the territorial departments, according to the Instruction of the MIA of Ukraine No 518 of 23.06.2010 shall take the comprehensive correctional measures aimed at eliminating deficiencies, mentioned in the CPT’s report ensuring absolute implementation of the recommendations, including discontinuation of practice of handcuffing the apprehended persons and detainees to the hospital beds during treatment in medical facilities, etc.



Presence of the militia officers during medical examination or other medical procedures is, again, stipulated by the part 2 of the Art.7 of the Law of Ukraine “On pre-trial detention”, according to which one of the main requirements of the regime in places of the pre-trial detention is their constant supervision, except for isolation of the persons, taken into custody and their separate maintenance. In the Instruction on organization of convoy of the apprehended and detained persons in the internal affairs bodies of Ukraine, approved by the Order No 60 дск of 20.01.2005, registered in the Ministry of Justice of Ukraine on 25.02.2005 (No 268/100548) and agreed in the Ministry of Health of Ukraine there is a subsection “Convoy and safe-keeping of the apprehended and detained persons in the medical treatment facilities of the health protection institutions”, which regulates all of the raised problems.

## **B. Establishments under the authority of the Administration of State Border Guard Service of Ukraine**

The Administration of State Border Guard Service of Ukraine has carefully examined CPT’s recommendations and observations. Concerning the IV Section of Report on foreign citizens taken under legislation on foreigners find kindly the following:

1. In reference to openly carrying of special equipment by the guard personnel

The equipment of guard personnel is completed with taking into account of possible threats from the side of the foreign nationals taken in PTP. According to Instruction, order № 200 from 21.10.2003 with Ministry of Justice’s registration from 22.10.2003 “On application of weapon, warlike equipment, sailing arming, airplanes, helicopters of State Border Guard Service of Ukraine; special means and physical force while the guarding of state borders and exceptional (seaborne) economical area of Ukraine”.

2. In reference to physical ill treatment of foreign nationals in Chernigiv PTP.

The Head of Chernigiv Temporary Hold Facility carried out the service investigation of the detained persons’ human rights being breached. The facts of ill-treatment of foreign nationals were not confirmed by evidences. The copy of the statement of the interrogated foreign nationals who were considered to be tortured is attached.

3. In reference to foreign nationals’ regular access to a shower in Chernigiv PTP The foreign nationals before placement to PTP are obliged to take a shower and during taking there they can use the sanitary facilities according to stipulated hours.

4. In reference to overcome the language barrier between personnel and foreign nationals The foreign language courses are envisaged in the staff training programs in the Training Centre of the State Border Guard Service of Ukraine and the National Academy of the State Border Guard Service of Ukraine. Besides, by the funds of European Union in the framework of the International Technical Assistance’s Projects "GUMIRA", "GDISC ERIT" the special training courses were implemented sufficiently where the issues on foreign languages and cultural peculiarities of countries – suppliers of non-legal immigrants.

5. In reference to non-availability of the special premise for detained persons' outdoor exercises at the airport "Boryspil" At present the given issue of the arrangement of the outdoor exercises for foreign nationals can't be resolved over the objective reasons. The present airport's infrastructure can't create the necessary conditions to organize the place for outdoor exercises. According to the Draft Reconstruction Project of "Boryspil" airport it's foreseen to arrange the new Special Premises and place for outdoor exercises of detained persons according to countries of the European Union. Besides, in the transit zones there will be created the bed places (for rest/sleep) for persons who are forbidden to enter the Ukraine. The daily TV watching is available for detained persons including the satellite broadcasting. Also, foreign nationals have the possibility to read the press in different foreign languages: English, French, German and others.

**C. Establishments under the authority of the State Department of Ukraine on Enforcement of Sentences (hereinafter – State Department)**

75. About overcrowding of penal establishment and pre-trial institutions (hereinafter – SIZO) of the State Criminal–Executive Service of Ukraine

State Department cooperates with courts on the systematic basis to speed up the examination of criminal cases and elimination of the red tape on them; conducts the working meetings with the heads of appeal courts of the Kyiv-city and Kyiv Region. Namely, the following information has been sent to the appeal courts:

- overall strength of prison population, terms of persons' detention in SIZO;
- infringement of regulations of the Ukrainian criminal–procedural legislation on detainees treatment;
- number of detainees whose criminal cases are being processed by courts during more than one year (such information is discussed at the meetings with participation of the heads of the Kyiv city local courts on the monthly basis;
- two times per year the results the overall number of detainees and the red tape facts related to the criminal cases under the courts' consideration are resumed and sent in detail to the board of the Appeal Court of the Kyiv-city and to the board of the Appeal Court of the Kyiv region for consideration and removal of such disadvantages;
- three times a month the leadership of the Kyiv SIZO sends the official petitions to the heads of the above mentioned appeal courts to speed up the consideration of criminal cases;
- the official petitions are regularly sent to the authorities, which are responsible for the pre-trial inquiry and investigation, as well as to the corresponding courts, in order either to change the preventive measures from detention to the alternative one or to speed up the consideration of the infirm criminal cases.

76,90,98 About the provision of organized activities for prisoners of different categories

In the Kyiv SIZO the vocational–educational shops are available for the inmates' activities and training process. 138 persons work at the sewing productive area.

According to Article 151 Criminal–Executive Code of Ukraine (hereinafter CEC) the persons sentenced to life-long imprisonment can have an one-hour walk in the open air according to current legislation of Ukraine.

At present time the programmes of the organized activities for the prisoners, who are held in the isolation cells (further – PKT/DIZO), are being revised carefully (for example, in order to provide such category of prisoners with the possibility to be involved in the differential programmes). It is considered useful to reduce the negative impact on inmates while they are held in isolation, to encourage them to improve the socially positive skills and to achieve acceptable social behavior.

Persons held in the high-security unit (further – PKT) of the Buchanska penal establishment №85 (hereinafter – Buchanska PE №85) can work in the special-equipped cells. According to par.88 "Daily Order Rules of penal establishments" approved by Order of State Department №275, 25.12.2003, – the persons who study at secondary comprehensive schools and vocational schools can't visit the education courses while being held in PKT/DIZO. Only individual classes with teachers are available for them.

According to Article 151 of CEC the persons, who are sentenced to life imprisonment (further – "lifers"), have the right of one-hour walk in the open air. So the organization of the outdoor activities for the given category is performed due to the current legislation of Ukraine.

Prisoners, who are held in the maximum security sector of Dnipropetrovska PE №89, have one TV-set per cell (their personal property). They can get books from the library. Besides, books are sent in parcels and post packages, but not more than 10 books per prisoner. Five exercise yards of the maximum security sector are equipped with the horizontal bars for physical exercises. Psychologist is assigned to the maximum security sector in order to conduct prevention measures concerning the negative impact on the prisoners' moral state. Prisoners are interviewed on the individual basis, if necessary.

According to the Order №192 of 20.09.2000 of the State Department the remand prisoners can use books and some other printed materials (purchased through the distribution network or received from the library of the Dnipropetrovsk SIZO). The current criminal-executive legislation does not envisage any other way of receiving literature or other printed materials by the remand prisoners. The administration of the Dnipropetrovsk SIZO organizes social-correctional activities for the remand prisoners using the broadcasting net, equipping the cells with the TV-sets, providing prisoners with the board games, library functioning, constructing the exercise yards for their physical activities.

In the Kyiv SIZO the remand juveniles (100%) study at the evening school. Besides, the remand prisoners are engaged in the sports activities in the specialized exercise yard. Juveniles have the especially equipped playground room. In the Kyiv SIZO there are educational/vocational shops for prisoners who want to work. 138 persons are engaged in sewing and packing production.

In SIZO the remand prisoners can study at the correspondence courses only by written authorization of the corresponding investigators or courts. The rehabilitation process of the remand juveniles is ensured by the Kyiv municipal centre on providing families, children and youth with the social services and that cooperation is considered to be a foreground task. The purposeful activities on education, vocational training, sport, rehabilitation for juveniles is under developing and activating. In Buchanska PE №85 the education evening courses and vocational training centre were established. Inmates were proposed to use the possibility to obtain the University degree by correspondence. 6 prisoners are students of the Open University of Israel.

In Dnipropetrovska PE №89 prisoners are involved in the social-correctional activities and work taking into consideration their age and professional level, as well as the capacity of the prison's production area. At the enterprise of the Dnipropetrovska PE №89 prisoners achieve cognitive and working skills necessary for reintegration into society.

#### 77 About the explanatory work that ill-treatment is not acceptable

The explanatory work with personnel of penal establishments and pre-trial institutions is regularly conducted. Officers are explained that ill-treatment against inmates isn't acceptable and it can be strictly punished according to the law and other regulations.

The State Department Administration in the Kyiv region has concluded the Agreement with the NGO "Officers-Christians" and the latter provides the personnel of the penal establishments and Kyiv SIZO with the consultations in order to step up their personal discipline and professional level, as well as that explain that ill-treatment in any form isn't acceptable.

78,79,80,82 About ill-treatment by staff of Buchanska PE №85 – prisoner's beating during the cell search; about the disproportionate use of special means as a form of punishment by the staff of the Kyiv SIZO.

After the inmates' allegations the corresponding and comprehensive inquiries on the ill-treatment by staff of Buchanska PE №85 and the Kyiv SIZO were conducted. The investigation's results constituted evidence of the legal use of "special means" towards inmates by staff.

The evidence-based allegations of prisoners and remand persons on ill-treatment are subject to order the service inquiries. The given process is under the Kyiv city prosecution's supervision. During 2009 there was registered no case of illegal use of special means and physical force towards the remand and sentenced persons. All cases of physical bodily harm of detainees and prisoners are registered in the penal establishments' medical registration books and diaries of incidents and offences.

In Slovianoserbska PE №60 the written interview of prisoners was conducted in order to reveal the facts of tortures or illegal use of "special means" personnel either in the ordinary cells or in DIZO/PKT. Results of interview didn't prove the facts of any use of physical force or "special means" towards prisoners.

All cases of prisoners' bodily harm are recorded in the "Special register of offences and accidents" in each penal establishment. And if it's necessary the service inquest will be conducted.

78,79,80,82 About ill-treatment (torture) by staff of the Dnipropetrovsk PE №89, prisoner's beating, asphyxiation with plastic bags, electric shocks; about the comprehensive inquiry into the treatment of prisoners of torture facts within three months.

The Dnipropetrovsk prosecutor's office on law observance of the court decisions enforcement in the criminal cases carried out its independent inquiry during September 21–30, 2009 concerning the tortures and ill-treatment of prisoners by personnel of the Dnipropetrovsk PE №89.

On October 1, 2009 under the results of the conducted inquiry the Dnipropetrovsk regional prosecutor's office made the decision not to initiate criminal cases against two junior inspectors of the security and guard unit of the Dnipropetrovsk PE №89 because their actions were classified without the indicia of the crimes envisaged by Article 127 and Article 365 of CEC of Ukraine. At the same time the results of the conducted inquiry demonstrate the indicia of the above mentioned junior inspectors' untactful treatment towards prisoners. That is why they were dismissed from their posts on October 15, 2009.

According to the Order №249 of September 20, 2009 of the Head of the Dnipropetrovsk Regional Department of the Prison Administration 13 officers of the Dnipropetrovsk PE №89 were brought to the administrative responsibility.

Besides, in October of 2009 the State Department's commission made its own complementary inquiry at the Dnipropetrovsk PE №89. The work of that commission was focused on elimination of tortures and ill-treatment, as well as on improvement of the operative and service activities at the Dnipropetrovsk PE №89. The corresponding plan of further improvement measures was drawn up. During regular instructions of the duty and guard officers before they start their 24-hours shift service in the Dnipropetrovsk PE №89 the proper supervision and control is introduced for monitoring and timely informing about the current operational situation as well as testing the guard, supervision and safety junior inspectors' level of awareness about the legal and normative basis, which they should use during performance of their daily service.

The complex of the scheduled measure is carried out in order to stop the channels of illegal items penetration to the penal establishments. Conflict situations are often caused by such items presence there. The results of the service inquiry concerning the seizure of illegal items from prisoners are thoroughly considered by the leading officials of the Regional Department Administration in Dnipropetrovsk.

On January 21, 2010 Verkhovna Rada (*the Parliament*) of Ukraine adopted the Law of Ukraine (№1828-VI) "On making changes in the Criminal–Executive Code of Ukraine in relation to observance of the sentenced persons' rights at penal establishments". It improves social and legal status of the sentenced persons, including "lifers".

Besides, the "lifers" after serving at least 15 years of the criminal sentence may be transferred from the cells for two persons to the multi-placed cells of a chamber type at the penal establishment with a maximum security level. They could participate in the group educational, cultural and sports measures envisaged by the current legislation.

On January 1, 2012 the norm of the living area per one sentenced person will be increased from three square meters to not less than four square meters.

81,154,155 About complaints and allegations of prisoners; about infringement of inmates rights to address complaints to outside different bodies at Dnipropetrovsk PE №85

The correspondence of prisoners at Dnipropetrovsk PE №85 is observed by Article 113 of CEC of Ukraine. The letters are put by inmates into the post-boxes for complaints, allegations, propositions. The post-boxes are revised regularly and delivered to the addressees in time.

Article 113 of CEC of Ukraine and the Law of Ukraine "On detention" envisages that the inmates' correspondence with the Ombudsman of Ukraine, public prosecutors, European Court on human rights and those international organisations, which are joined by Ukraine, as well as the authorized persons of such international organisations, is not the subject of control and revision; the administrations of penal establishments should send such letters to the addressees during one day period. Correspondence, which is received by the sentenced person from the above mentioned bodies and officials, is not the subject of control and revision as well.

The personnel of Dnipropetrovsk PE №85 had to study additionally the legal regulations, which govern the procedure of citizen's allegations and claims. Paragraph 36 of the Daily Order Rules of penal establishments is strictly followed by the personnel of PE №85. Besides, all personnel members of Dnipropetrovsk PE №85 is warned that any kind of threat or intimidation related to the inmates' plans to lodge their allegations or claims to different organisations.

82,84 About the medical investigation of persons who were subject to any use of physical force and "special means"

In Dnepropetrovsk PE №89 the specific register "On use of physical force, "special means" and restraint jackets to prisoners" (Register No 2763 of 05.01.2009) was set up and recorded at the documentation unit at penal establishment.

During 2009 only one case of hand-cuffs used to prisoner and 25 cases of injures (15 cases – in 2010) were recorded in above mentioned register. The prisoners' injures and traumas in 2009 and 2010 are not caused by use of "special means".

Each case of prisoner' injures including the cases of use of "special means" are investigated by health-care staff. The medical screening is done immediately by physician (day shift) and doctor on duty (night shifts or week-end days) after use of "special means" against the prisoner. It includes: bodily screening, interviewing, test of internals state, cardiovascular, nervous and respiratory systems. If necessary the supplementary investigation are conducted: radiography, laboratory tests, and experts' consultations.

In Dnepropetrovsk PE №89 the health-care assistance is available for prisoners if they have the injuries after use of "special means": the prisoner can address the health-care unit for medical assistance or the physician visits the concrete inmate and gives the necessary support. The medical screening of prisoners is done out of sight of non-medical staff. The medical record is drawn up after such a screening by the physician without any reprisals from the administration of the penal establishment. In addition, all prisoners have the possibility to address other medical facilities including the independent forensic expertise.

In Slovianoserbska PE № 60 there were 6 cases of use of "special means" against prisoners. The "special means" (hand-cuffs) were used against the violent prisoners to prevent their self-injury or to control their violent behavior. All use of hand-cuffs is envisaged by the Article 106, CEC. The facts of groundless use of "special means" have not been registered.

The review of service documentation adjudicated that the prisoners didn't lodge the complaints on physical force or use of "special means" against prison staff to the health-care unit of penal establishment.

#### 83 About the number of complaints of ill-treatment lodged against prison staff

One of the priority trends of the State Criminal-Executive Service of Ukraine is the observance of human rights at criminal sentence enforcement and other compulsory measures. In connection with it, State Department put into operation the computer-accounting data system of the citizens' complaints.

According to regulations of Decree of the Cabinet of Ministers of Ukraine "On approval of the Classifier on citizens' complaints" (№858, 24.09.2008) the State Department developed the new form of reports concerning, especially, the issues on the observation of legitimacy, realization of rights and freedoms of citizens who are held in penal establishments of the State Criminal-Executive Service of Ukraine.

During 2009 State Department received 791 complains/allegations on ill-treatment of prison staff against inmates, in 2010 – 536 ones and the service investigations were conducted in respect of them.

#### 84 About the incorrect registration procedure of the medical reports about the health state of inmates; the negligence of registration of the inmates' traumatic injuries; a short description of the injury without a detail screening of the nature of the injury to be appeared; to perform the thorough and systematic screening of prisoners for injuries both on admission and during imprisonment.

In October 2009 the additional inquiry was carried out in relation to arrangement of medical personnel at the hospital and the health care sub-unit of the Dnepropetrovsk PE №89. The requirements to drafting of the medical documents became stricter.

In case of the sentenced person's request to the penal establishment's medical unit the corresponding doctor makes the medical examination and appropriate record in the medical documents. If any sentenced person's traumatic damages are revealed, the corresponding information is put into "Special register of offences and accidents". The every case of given character is subject to official inquiry being carried out.

The prisoner's explanation is asked at each fact of the injury occurred with a detail description of occurrence that has led to the given injury. If any prisoner has a bodily injury the corresponding inquiry will conduct obligatory. During service inquiry the physician gives his statement of the bodily injury nature, reasons of its appearance, and the degree of consistency between the nature of the bodily injury and the prisoner's explanation.

After conducting medical screening of prisoners on possible signs of bodily injuries physicians include into prisoners' medical files the detailed description of the revealed bodily injuries, grade of their organs' abnormalities and possible reasons of the occurred injuries. The facts of the bodily injuries are informed to the assistant of the head of penal establishment who is on 24 hours duty.

At the same time necessary steps are taken to organize systematic screening of prisoners and detainees when they enter penal establishments and SIZOs and during the period of their deprivation of liberty. Screening of inmates is conducted only by the medical staff. The corresponding medical record is made. It contains the following:

- 1) statements made by the person who is medically screened;
- 2) detailed description of the medical examination with the test results of injured person;
- 3) medical conclusions according to the above mentioned items 1) and 2) with indication of consistency between the allegations/statements of the injured person and the results of the medical examination. Prisoners/detainees and their lawyers may request all the medical statements or doctors' findings and receive them without delay.

The medical staff has been reminded that they should inform the prosecution office or the administration of the penal establishment about all the cases of ill-treatment against inmates. The medical staff is not subject to repression from the leadership of penal establishments or SIZOs if they fulfill honestly their service obligations (the inmate-sufferers also are not subject to any repressions from the prison personnel). The health-care staff has been reminded that the medical ethics and professional independence take precedence over their administrative subordination.

85 About the prison staff carrying openly "special means" on the territory of penal establishments

The given CPT's requirements contradict with the legal regulations concerning the activities of the State Department. According to the Order №205 the service duty shift and the operative group are provided with "special means" and equipment (the tear gas canisters and handcuffs) for each member of the service duty shift, as well as the rubber truncheons for each junior officer. The personnel of the penal establishments visited by the CPT delegation were equipped with the "special means" according to paragraphs 59 – 61 of the Daily Order Rules of penal establishments. Any facts of groundless use of "special means" have not been registered.

86 About putting an end to practice when the inmates in PKT are obliged 1) to spread eagles among themselves and 2) to inform about their offences committed every time the cell door opens

The given CPT's requirements contradict with the legal regulations concerning the activities of the State Department. The mentioned practice is realized according to the Order №275 of 25.12.2003 "On approval of Daily Order Rules of penal establishments", namely the paragraph 88 "Placement of inmates and treatment conditions in DIZO/PKT, isolation cells as a procedure of disciplinary punishment".

89,119,120,121 About the improvement of the inmates treatment conditions: insufficient access to ventilation and natural light in dormitories in the Slovianoserbsk PE №60, Dnipropetrovsk PE №89 and Kyiv SIZO; shortage of sanitary goods and products, fresh fruit and vegetables

In the Slovianoserbsk PE №60 the free access of fresh air and natural light to the cells "for lifers" has been fully provided: in six cells the plastic windows were installed. Soon the new metal-plastic windows will be installed in other cells.

In Dnipropetrovsk PE №89 the living space per person is not less than 3 sq. m. It meets the requirements of Article 115 of CEC of Ukraine. The living space per person at the cells № 22, 23, 24 of the DIZO/PKT has been enlarged by removing the vacant bed-places. The cell №15 of maximum security level has been rebuilt into the medical isolator for treating the TB prisoner, the cell №16 of maximum security level – in the medical manipulation room.

All dormitories are provided by the adequate number of windows for the free access of fresh air and natural light. The old windows of the DIZO/PKT cells were dismantled and the new plastic windows ("Moroz") were installed there. It meets the requirements of the "Regulations on the maximum security sector at the penal establishment of medium security level" (Order №124 of 28.07.2005) and standard equipment of the sectors for treatment of prisoners sentenced to life-long imprisonment.

Also the sanitary facilities (inside/outside toilets and basins for washing) are kept in appropriate sanitary state. The humid disinfection and ventilation are carried out according to the approved time-table (not less than 3 – 4 times per day). The toilet facilities are equipped with separate cabins with doors and modern devices. Due to the State Department's Order №212 all prisoners are provided with 2 bars of soap (100 g each) per month. Other personal hygiene items are purchased by prisoners at the shop of the penal establishment using their personal account.

The TB-infected prisoners receive the diet food (five means a day) including the diet products which are envisaged by the Decree №1752 of 27.12.2001 of the Cabinet of Ministers of Ukraine. Other categories of prisoners have three meals a day without diet products (eggs, fruit and some other food are envisaged only for TB-patients) according to the State Department's Order №125 of 17.05.2004. Vegetables are regularly available for prisoners according to the standards envisaged by the State Department.

According to Article 11 of the Law of Ukraine "On pre-trial detention" (№3352-XII of 30.06.1993) the living space per person in pre-trial institutions should be not less than 2.5 sq. m, but pregnant women or mothers with their babies – not less than 4,5 sq. m.

Concerning the overcrowding, the total living area in Dnipropetrovsk SIZO is about 16,738.28 sq. m and the average living space per person constitutes 5.1 sq. m. Total inmates population of the Dnipropetrovsk SIZO is 3,282 persons on evidence of 08.09.2010.

At present in the Kyiv SIZO the building of new dormitory for women is under construction with capacity of 180 places. The additional financing has been budgeted for the mentioned construction advancement.

90,113,117,149 About the programme of activities for persons sentenced to life-long imprisonment: remarks on exercise yards (to enlarge the territory for walks in the open air in the Dnipropetrovsk PE №89 and the Slovianoserbska PE №60 for the sports and cultural activities)

In the Dnipropetrovsk PE №89 the prisoners in the maximum security sector are offered to use the differentiated correctional influence programmes. Besides, they are provided with the individual educational activities.

According to Article 151 of CEC the amateur performance for persons sentenced to life-long imprisonment isn't available. "Lifers" may be involved in the secondary education evening courses, if necessary. But at present the given category of prisoners can't be employed because of the lack of the specialized premises with proper security measures to be provided for the personnel.

The exercise yards in the sector of maximum security level in the Dnipropetrovsk PE №89 correspond to the "Regulations on the maximum security sector at the penal establishment of medium security level" (Order №124 of 28.07.2005) and standard form on equipment of sectors for treatment of prisoners sentenced to life-long imprisonment (paragraph 3): they are not less than 16 sq. m (the standard for the exercise yard – 12 sq. m). The sports devices (horizontal and parallel bars) are installed for prisoners' physical activity in the exercise yards. But the area of the exercise yard in DIZO/PKT can't be enlarged subject to lack of the available spare.

In Slovianoserbsk PE №60 all exercise yards were repaired. The partition between two yards was removed and sports devices were installed there.

All prisoners in Slovianoserbsk PE №60 take part in the differentiated correctional influence programmes "Legal Education". 26 prisoners have passed the exams successfully. The secondary evening education classes for prisoners are organized by the Lozivska secondary school. 43 prisoners take part in the programme of the differentiated correctional influence "Education". 25 prisoners have passed the exams successfully. One prisoner studies by correspondence for obtaining the higher education.



The prisoners' freedom of conscience is realized with the help of 4 religious confessions. 32 inmates take part in the programme of the differentiated correctional influence "Spiritual Revival".

In penal establishments the different study groups for prisoners. 60 inmates take part in the arts programme "Creation", 9 inmates are active in the musical band, 201 inmates are engaged in the sports sections and 21 inmates have taken part in the sports competitions.

The programmes on prevention of alcohol and drug addiction are actively realized for inmates. 32 inmates were involved in the programme, 19 inmates succeeded.

In 2010 there were held 7 meetings with the representatives of the non-governmental organisations.

The penal establishment's library consists of about 6,200 books.

46 persons got the profession in the framework of the Preparatory programmes for release from the places of deprivation of liberty for successful re-entry into society.

91,92,93 About the improvement of the life-sentenced prisoners' treatment conditions: contact with outside world, excessive security measures, prisoner's conveying of service dogs in the corridors of penal establishment (Dnipropetrovsk PE №89); removal of the detailed accounts on cells about the crimes committed by prisoners in Slovianoserbsk PE №60 in the Lugansk region

At the same time, with the purpose to guarantee the personnel safety of the Dnipropetrovsk PE №89 a junior inspector-cynologist with a service dog presents in the corridor when the "lifers" are taken out of their cells, as well as the use of the special means "BP" (handcuffs). These measures are implemented in accordance with the requirements of the current national legislation.

The corresponding procedure is envisaged by the Order of 22.10.2004 №205 and Order of 25.12.2003 №275 of the State Department ("Instruction on supervision over sentenced persons at the penal establishment" and "Daily Order Rules of penal establishments" are approved by the above mentioned orders). The institutional and legal acts are registered at the Ministry of Justice of Ukraine subject to human rights of the persons deprived of liberty according to the court decisions.

Due to the Article 151 CEC the short-termed visits are available for "lifers" once per three months.

The premises for visits are furnished according to the App. 17 "Daily Order Rules of penal establishments" with an installment of the special speaking devices there. Also there is the staff emergency call system for prisoners in the visit rooms if necessary.

The results of service inquiry hold in Slovianoserbska PE №60 adjudicated that in 2009 the special means "BP"(handcuffs) are used to 6 prisoners to prevent their aggression attacks, the exclusion of bodily self-injures' committed by prisoners or bodily injure other inmates or personnel. The handcuffs are used to prisoners according to Article 106 CEC.

In accordance with the CPT recommendations the sector of maximal security of the Slovianoserbsk PE №60 the practice to place the detailed information about committed crimes by lifers at cells has been stopped.

The special training on operation of allegations and complaints of the inmates was conducted with personnel subject to study the additionally legal regulations. In Dnipropetrovsk PE №85 the appropriate activity was provided to execute par. 36 of "Daily Order Rules of penal establishments" concerning the organization and documentation.

95,96,97,147,151 On placement/treatment of prisoners in DIZO/PKT

According to par.88 "Daily Order Rules of penal establishments" the prisoners are subject to hold in DIZO/PKT who is the persistent discipline breaker that envisaged in Article 133 CEC. This disciplinary measure is applied to prisoners when other correctional measures have already failed. The prisoners' placement in DIZO/PKT is only the inmate's behavior result in the penal establishment and none result of their criminal sentence.

According to Article 134 CEC the placement of prisoner in DIZO/PKT is conducted by the decision of the head/acting head of penal establishment with approval of the fixed term detention in DIZO/PKT.

The procedure of the prisoner's placement is implemented at the presence of duty assistant of head/acting head of penal establishment, member of health-care staff, head of social-psychological service and junior inspector who is empowered to supervise the prisoners in DIZO/PKT. Every day the duty medical workers check the health state of prisoners there.

When the prisoner is subject to place in DIZO/PKT, he is informed about regulations of Article 134 CEC including his right to contest the decision of his placement in conditions of DIZO/PKT in the stipulated legal order.

97,148,151 About material conditions in DIZO/PKT

The sector of maximum security level Dnipropetrovsk PE №89 is equipped according to regulations of State Department's Order №124, 28.07.2005. The repair works of cell's windows and floor have been already done to improve the prisoners' treatment conditions. There were 31 building glass stones to replace to metal-plastic ones. The floor in cell (35 sq.m) was varnished with linoleum. In cells №22,23,24 DIZO/PKT the spare bed places were dismantled and at present the living spare is correspond with standards. The cell №15 was reequipped into the medical isolator for TB-infected persons, and the cell №16 – in a manipulation room.

In Slovianoserbska PE №60 the in-line repairs are conducted in cell DIZO/PKT; the system emergency call system was also installed. The mentioned works were done according to State Department's Order №124, 27.08.2005 "On approval the provisions of sector of maximum security level in the penal establishment of medium security level".

110 About the SIZOs overcrowding: Kyiv SIZO and Dnipropetrovsk SIZO; about the living spare standards in Kyiv SIZO (actually 1 m<sup>2</sup> per prisoner).

The principal reason of total detainees' growth at the pre-trial institutions has been caused by the prolongation of the criminal cases' consideration by courts.

According to Article 11, the Law of Ukraine "On pre-trial detention" №3352-XII of June 30,1993, the cell's living space per person is not less than 2,5 sq.m., for pregnant woman/mother with child – not less 4.5 sq.m.

For resolving the problem State Department, its territorial bodies and SIZOs regularly forward the appropriate writing reports and make informing by telephone to the corresponding inquest and investigation bodies and public prosecutor's offices about completion of persons' detention terms.

The regular correspondence is carried out with courts on issues related to the long terms (red tape) of criminal cases consideration by courts. The interdepartmental working meetings are conducted with the heads of appeal courts and law enforcement agencies on issues of the weighed application of detention preventive measures.

Aiming to decrease the SIZO overcrowding, State Department has designed the Draft Law of Ukraine "On introducing of the changes to Article 155 of Criminal–Procedural Code of Ukraine (on grounds of the application of on pre-trial detention)" (Register №70984, 06.09.2010). It's planning to precede the given Draft bill in the Second Reading at the Verkhovna Rada (Parliament) at November 11, 2010. This enactment will support the observance of the international standards in sphere to apply the preventive measures, provide the optimization of the respective courts decisions, give the possibility to apply the alternative preventive measures more widely and promote the realization of the mentioned recommendations.

Also the sufficient amendments have been introduced in "Regulations on pre-trial unit at the territory of penal establishment" approved by State Department's Order №280, 30.12.2003 (with changes), registered in the Ministry of Justice of Ukraine №65/8664, 17.01.2004. These amendments provide the bringing of the special medical assistance and placement of the inmates in SIZO in the conformity with the national legislation.

Pursuant to Decree of Cabinet of Ministers of Ukraine №12, 06.01.2010, the Inter-institutional Working Group on transportation of SIZOs and penal establishments outside the central urban areas was created. As yet the issue on the additional ground areas of new pre-trial institutions to be built outside of urban areas of Kherson and Sevastopol is under discussion.

In order to anticipate the breach of the person's detention terms, the electronic record system of prisoners is operating properly. That optimized the procedure of reports' preparing and control on criminal case movement.

The itineraries of the rail guard transit were changed to pass round the Kyiv SIZO (if such a possibility exists). This positively impacted the decrease of number of transit prisoners in Kyiv SIZO and the living area per person is subject to legal standards.

Starting 2006 in the framework of Ukrainian-Swiss Project "SIZO-model", the new building of women treatment with capacity of 180 places is constructing now in Kyiv SIZO. Also the new SIZO in Kyiv Region is planned to build on the base of Irpynskiy correctional centre (№132) that will give the possibility to unload the Kyiv SIZO up to 1000 places.

106,107,109,121,150,152 On improvement of treatment order and conditions of prisoners and detainees in Kyiv SIZO (living conditions, food, hygiene products, recreational activities)

The food provision of prisoners and detainees is organized according to regulations of State Department's Order (№12, 30.06.2004). The three-timed hot plates are available for inmates and diet food is provided to special categories: TB-suffered persons, inmates with an ulcer of stomach by the exceptional doctor's prescription and according to State Department's Order (№125, 17.05.2004). The food quality is revised by the duty doctor and the duty assistant of the head of penal establishment at every food taking. The cereal assortment (7 items) enables to cook the variety of dishes. The food allowance (including milk, fresh fruit and egg) is drawn up with taking account of the food standards for prisoners and detainees (Decree №336 of 16.06.1992 of the Cabinet of Ministers of Ukraine,).

The access to natural light and adequate ventilation is arranged in the living prisoner accommodation. The ventilation systems in the Kyiv SIZO cells are renovated usually with disinfection, extermination of insects, disinfestations. The systems of electric lighting in "boxes" where the detainees are held according to legal regulations of State Department's Order have been already reconstructed.

Prisoners and detainees have the one-hour outdoor walk according to legal regulations of State Department, and separate categories – two-hour one.

Under State Department's Order (№212, 10.11.2003) prisoners and detainees are provided sufficiently with cleaning products (soap, powdered detergent). The laundry is available for inmates at the place of sentence serving.

The inmates have unrestricted access to sanitary rooms (toilets) and shower facility (not less than once per 7 days) with a simultaneous change of clothing under State Department's Order (№193, 11.10.2006). The inmates' access to the shower facility more than once a week is arranged by the decision of the doctor or the head of penal establishment/SIZO. Sometimes the inmates could take a shower twice per week directly at the dormitories in the special equipped rooms.

According to regulations of State Department's Order (№192, 20.09.2000) the radio, TV-sets and playing board games are obtainable for detainees in Kyiv SIZO. But if there's no such a possibility the inmates could receive TV-sets from relatives subject to legal regulations. The facts of the personnel of SIZO to be bribed while TV-sets transferring to detainees have not been revealed. The inmates can use books and periodic materials at the library works or purchase them at the SIZO shop. Other ways to get the literature in SIZO is not foreseen in the criminal-executive legislation.

During outdoor exercise inmates can indulge in the sport activity.

Pursuant to the changes introduced in procedure of the parcels reception the relatives can pass the detainees the art, science literature that doesn't contradict social-moral standards with a non pornography context. By the Article 109 CEC and paragraph 4.4.11 of State Department's Order №192-2000 envisaged that prisoners and detainees are allowed to get the periodicals only by the official subscription.

п.108,111,114,117,122,157 On broadening of inmates' out-of-cell activities (work, recreation,/association, sport, education) for prisoners and detainees

In penal establishments and SIZOs the wide experience on social-recreation activity of inmates has gained to involve them in different programs as it's envisaged by the Article 123 CEC.

Throughout the latest period the State Department's leadership has taken the number of steps to promote the establishment of Public Councils at the Central Office in Kyiv-city and regional Department's Administrations. The activity of Public Councils focuses the more constructive participation of social organizations and human rights organizations, charity foundations and religious communities in resolving of general problems of penal establishments and pre-trial institutions, observance of inmates' human rights and personnel's social protection.

Also the general secondary education is completely available for inmates. The State Department's cooperation with high education institutions continues successfully that the prisoners can get the basic education ground the vocational training while serving the criminal sentence. Herewith the professional awareness of personnel improves too with science maintenance.

The inmates are informed about the possibility and circumstances of the further study at the institutions of higher education (correspondence courses). They can enhance their basic skills and knowledge at a will or be engage in the self-education, or they are promoted to pass the entrance exams at the institutions of higher education in free time.

In Buchanska PE №85 it was established the education evening courses and vocational training centre. Inmates were proposed by to obtain the University degrees by correspondence courses and 6 prisoners have agreed to: they are the students of Open University of Israel.

All prisoners of the young age who haven't the general secondary education are engaged in education process to obtain it at the secondary schools. Speaking about penal establishments (№60, №89) the prisoners are involved in education process at the secondary schools.

On 31, 2010 the Agreement between State Department and Ukrainian Centre of Education Quality Assessment was entered into organization of the external independent assessment of education knowledge of the prisoners and detainees. In 2000 301 prisoners registered to participate in the external independent assessment of education knowledge and 278 ones did it. Totally at present 70 prisoners study at the institutions of higher education (correspondence courses).

The prisoners who have no professional occupations to work at the penal establishment are subject to study at vocational training courses.

The administrations of penal establishments have initiated to conduct the extracurricular work on the

prisoners' public-patriotic training, to organize the linguistic, literary heritage and history groups.

Besides, the joint programs with district self-governmental agencies are approved to develop and strengthen the material and technical basis of the secondary basis education system with involving to the given work the representatives of general public, charity organizations and foundations. During the current year State Department is conducting the preparation of all secondary schools and vocational schools to the autumn-winter period, some cosmetic reconstructions were done, furniture was fully repaired and sets of the learning aids were obtained for education process. Also the library finds of schools are completed constantly with modern text-books and educational supplies; the organization subscription to the academic newspapers was revised.

Under the Ministry of Science and Education's recommendations, the first lesson "Day of Knowledge" with the topic "Ukraine for People" was held in all secondary schools. In this event there were participated the representatives of local self-government agencies, the leaders of the regional education departments and NGOs, monitoring boards and religious organizations.

110 About the metal shutters to be removed from cell windows in the Kyiv pre-trial institution

With the purpose of the adequate natural light to access to the cells in the Kyiv SIZO, all metal shutters have been removed from seven cell windows of the "arrest house".

In Dnipropetrovsk SIZO all metal shutters (156) have been removed in cells of the unit №9 and the unit №10.

113 On transforming of the dormitories in Buchanska PE №85

During 2010 in Buchanska PE №85 it's planning to transform the large dormitories (blocks №4, 5) and replace the bunk beds by the ordinary ones.

116 About the arrangement of the proper water supply (Slovianoserbsk PE №60)

Considering the necessity of arrangement of the proper water supply in the Slovianoserbsk PE №60 the water-supply intranets were replaced in the dormitory №3 and the PKT cells.

122 On production process of the enterprise at Dnipropetrovsk PE №85

The enterprise of at Dnipropetrovsk PE №85 provides the prisoners with possibility to have the social-useful labour with taking into consideration of production capacity, age and professional training of the inmates. At the enterprise the prisoners can obtain the professional skills for further resettlement after release that is the most important trend of the social-correctional work.

In 2010 (9 months) 186 prisoners were placed in the job including 69 ones who work at the home production area of Dnipropetrovsk PE №85 (total working prisoners were 391). But the enterprise has the low production capacity, and prisoners couldn't be employed because of their inferior labor grade or its absolute absence. The souvenir production is absent at the production area of Dnipropetrovsk PE №85, and this items aren't produced at all.

The length of the prisoner working shift is in conformity of the current labour legislation. The payment of prisoners' work is the progressive piece rate wage system according to Article 120 CEC. The pay charge of prisoners is conducted well-timed on stipulated by the current legislation. All job rates are calculated with consideration of the standard minimum wage envisaged by the current legislation.

On holidays and day-offs the prisoners are not involved in the work. But if such a necessity comes due to the special character of the fulfilled work, the prisoners get the extra day-off and the special audits are kept record of per month. If there are some cases of impossible extra day-off for prisoners to assign, the payment of prisoners' work on holidays and day-offs are calculated in the double size (Article 119 CEC).

The part-time workers (paid by the hour) receive the wage that is calculated all-in hourly rate for actual done working hours according to the norms and job hourly rates with consideration of the standard minimum wage.

The pieceworkers receive the piecework wage that is calculated for actual volume of work according to the norms and job volume rates with consideration of the standard minimum wage. Every month the report sheets of the prisoners' fulfilled works are drawn up, the work orders and time-sheets are completed. Then all materials are sent to the account office of penal establishment for the prisoner wage accounting.

In 2000 the auditing committee in Dnipropetrovsk Region conducted the audit inquiry the account office of PE №85, and there were no breaches of the bookkeeping process to detect.

The prisoners can be involved to work without payment only in the beautification process of the penal establishment, the improvement of prisoners living conditions and food provision of the penal establishment. But this payless work of prisoners must not exceed two hours per day and it'd be organized in the order of the works fulfillment that envisaged by Article 118 CEC.

The legal encouragement norm in the form of conditional release of prisoners is conducted in the full conformity with Article 91, Criminal Code of Ukraine, and Article 154 CEC. The decision of prisoner conditional release is taken by the administration board of the penal establishments.

123,143,144 About prisoners' access to the doctors and outside specialists; absence of the privacy in contacts between inmates and health-care staff; about the training of re-training of health-care staff Every sentenced person gets the optimal health-care service in full after the corresponding request to the prison administration.

If there is no possibility to provide prisoners with the necessary volume of medical care at the medical units of penal establishments, the patients are transferred to the corresponding medical establishments that are under the competence either of the State Criminal-Executive Service of Ukraine or the Ministry of Health of Ukraine.

Contacts of prisoners with the medical staff of penal establishments are carried out without presence of other persons, except those cases envisaged by the normative and legal acts of the State Department of Ukraine on Enforcement of Sentences, taking into account the security regime requirements observance in relation to the sentenced persons. Every reception of patients are conducted by doctor-therapist in confidence that stipulated in Laws of Ukraine "On Information", " Basic legislation of Health-Care Legislation", "On prevention of disease on acquired immunodeficiency syndrome and population social protection" and other legal regulations of the given subject. The health-care service to prisoners in the Slovianoserbsk PE №60 is performed on general conditions in accordance with the requirements envisaged by the current legislation being adequate to the health-care service in the open society.

All physicians at the special TB-hospital at the Dnepropetrovsk PE №89 have the high medical education. Once per 5 years all physicians are certified to get/confirm the qualified category. During 2009-2010 4 physicians upgraded their professional skills from the second qualification grade to first one, and one person got the highest qualification grade. Now at the special TB-hospital there are 8 physicians who have the second medical qualification grade, 8 – the first one, 3 – the highest one and also 3 Candidates of Medicine. During 2009-2010 10 nurses from the paramedical personnel were certified to get/confirm the qualified category. There are 46 nurses who have the highest medical qualification grade, 8 – the second one and 1 – the first one.

The physicians and the paramedical personnel study at courses on upgrading of the professional skills on approved schedule. Besides, they take part in conferences, seminars, and trainings on medical subjects; work with a medical literature and present essays and reports on the up-to-date medicine issues.

125,126 About the increase of number of the health-care staff in Kyiv SIZO (feldshers, nurses, employment of additional doctors; introducing of post of physician- infectiologist); organization of the dentist' visiting hours

In 2009 the health-care staff team in Kyiv SIZO was reinforce sufficiently with the additional posts of a physician and a phythisiatrician (half-part time).

But the issues on increase of numbers of physician/nurses and introduction of post of a physician infectiologist in Kyiv-SIZO have not resolved yet as it doesn't foreseen by current legislation of Ukraine. The reception of inmates by two dentists is conducted during the working day under the approved schedule and inmates/volunteers.

The upgrading of the intensive care unit with modern equipment is under discussion at the Buchanska PE №85.

127 On increasing of the numbers of feldshers/nurses; filling the vacant posts

The special tuberculosis hospital at Dnipropetrovska PE №89 has 9 units for ill prisoners. According to the joint Order №3/6 of 18.01.2000 of Ministry of Health of Ukraine and State Department the health-care service for prisoners (fit persons) is provided by the ambulatory-prophylactic unit of the hospital. Two doctor's assistants work at the 9-th unit and they are filled. State Department has lodged the propositions to increase the numbers of feldshers/nurses in order to bring the staff lists of health-care staff of medical facilities in conformity of Ministry of Health of Ukraine's standards.

In Slovianoserbsk PE №60 there's one vacant post of a doctor-physician that can be filled by the Department on after-graduate education of the Lugansk State Medical University. The administration of the penal establishment is planning to take part in trade fair of mentioned University on the further selection of the medical personnel. All 4 posts of feldshers medical staff have already completed.

128 About the medication provision to prisoners and detainees

In fact there were 39,800,000 UAH (hryvnas) allotted from the State Budget for medical needs of the State Criminal-Executive Service of Ukraine in 2009. Taking into consideration the real needs for treating inmates with TB, AIDS and somatic diseases there would be necessary 114,182,000 UAH (hryvnas). So, in 2009 we received only 34.9% of the needed finances. In general the medical units of pre-trial institutions and penal establishments, as well as institutional hospitals, are provided

with all basic groups of medications in the envisaged volume. For example, a medical unit of the Kyiv SIZO is provided with TB-medicine in full. The TB-treatment of ill persons is conducted under a constant monitoring.

The prisoners take TB-medicines in the presence of a member of the medical staff. If the special medication is necessary for inmates to take, it is purchased directly by the administrations of penal establishments and pre-trial institutions. In general TB-medications are provided mainly in the centralized manner.

129 About stopping the practice to make injections to prisoners through bars (grates)

Protective bars (grates) are envisaged for guaranteeing personal safety to the medical personnel, especially women, during implementation of the official duties. If necessary, the prisoners are injected in presence of members of the security and guard unit. In Buchanska PE №85 the injections are made to prisoners only by medical personnel in the manipulation rooms.

131,132,136,137 On development of the preventive measures in programmes on tuberculosis and HIV-infection (TB/HIV)

The State Programmes on strengthening of the preventive measures in programmes on TB/HIV are implementing in penal establishments: Programme on strengthening of the TB-preventive measures in penal establishments and pre-trial institutions of the State Criminal-Executive Service of Ukraine during 2007 – 2010 and Programme on the preventive measures, care, support of HIV-infected persons and treatment of AIDS-patients. The system of the sanitary-epidemic measures are implemented constantly in places deprived of liberty with the compulsory conduction of current and final prophylactic disinfection in the niduses of infection; with arrangement of TB-patients treatment process, constant monitoring of the medication intake with further conducting of the patients' anti-relapse and chemoprophylaxis treatment. In order to reveal of the causative disease agent and its perceptibility to TB-medicine, the compulsory microscopic investigation of prisoners' sputum has been introduced in penal establishments if there is a suspicion of TB-disease to present.

The monthly epidemiologic monitoring of infection disease indicators is fulfilled in penal establishments that give the possibility to make the analysis of disease level, to plan the management engineering measures and to evaluate the effect of the conducted work. The health-care staff takes part in methodological–educational seminars on TB prevention under authority of the Ministry of Health of Ukraine. The special sanitary-educational trainings are conducted for the health-care staff, prisoners and detainees to high their awareness on TB prevention, diagnostic, care and treatment.

Owing to the timely measures on treatment-and-diagnostic and anti-epidemic work in penal establishments and pre-trial institutions, the treatment conditions of inmates were improved sufficiently and TB–epidemic situation has been stabilized.

Within the framework of mentioned documents the complex of steps on dangerous illness to be cared and treated has already started. The results of given measures are regularly discussed at the Ministry of Health of Ukraine.

The HIV/AIDs investigation of prisoners and detainees is conducted only by an own consent of persons in penal establishments Kyiv Region. This investigation is made at the Kyiv City Centre of HIV/AIDs care and treatment and Kyiv Regional Centre of HIV/AIDs treatment. The penal establishments are provided with antiretroviral medication in the full volume.

On the evidence of July 1, 2010 the total number of the HIV-infected inmates held in penal establishments and pre-trial institutions was 5,862. 623 inmates received the antiretroviral therapy (further – ART).

On the evidence of August 1, 2010, there were 5,467 TB-infected inmates held in the penal establishments, 940 – in the pre-trial institutions and 4,527 – in TB-hospitals. 1,093 (19%) from the total number of TB-infected have the multi-resistant tuberculosis.

The development of the World Bank Project "TB and HIV/AIDs–control in Ukraine" has supported the material–technical base of hospitals: 85 bacteriological laboratories of the first level (pre-trial institutions, penal establishments); and \$2,400 thousands were allotted to purchase the necessary laboratory equipment and active storage. Besides, the TB-medicine of the first line was purchased in sum of \$3,332 thousand.

In Dnipropetrovsk PE №85 ART is prescribed to prisoners only by the physician-infectionist of the hospital according to standards of the Ministry of Health of Ukraine. At the hospital 73 HIV infected persons are held now who are appropriately examined and got the consultations of the physician-infectionist. 19 patients were subscribed to ART. Taking into consideration that the persons' placement in places deprived of liberty is associated with the factor of TB-contamination; the prophylactic trainings on TB-infection are conducted with aim to combat the TB-relapse in the chronic disease patients.

According to Order №19 of 01.03.2010 of the State Department inmates with TB-infection are received regularly the prophylactic treatment. The intakes of two TB-medicines by inmates are carried out twice a year (spring–autumn) within three months. The food of TB-infected prisoners is organized according to standards envisaged by the Order №23-2002 of the State Department. For five years the monitored TB-preventive treatment has stabilized efficiently the TB–situation in places deprived of liberty and decrease the number of the disease relapses.

If necessary, persons with TB–active are transferred from Kyiv SIZO to the territorial special medical facilities the Ministry of Health of Ukraine. The treatment of sick prisoners held in infectious diseases unit of Kyiv SIZO is fulfilled under the reasonable control according to DOTS methods.



135 About the overcrowding of specialized tuberculosis hospital at Dnipropetrovsk PE №85; about the material conditions of the patients treatment

According to regulations of Article 115 of CEC of Ukraine at Dnipropetrovsk PE №85 the sick persons are provided with a living space per person not less than 5 sq. m. The dormitories are furnished with lockers per two inmates according to Order №84 of 06.05.2000 of the State Department. At the hospital there is the modern shower/laundry unit furnished with shower cabins, laundry washers. This shower/laundry unit won the first place in the competition of other penal establishments all over the Ukraine. The prisoners have access to the shower room once per week that stipulated in Order №193 of 11.10.2006 of State Department. There is additional room (shower cabin) in each dormitory.

In September of 2009 the tuberculosis hospital was composed of 8 wards with total area of 2910 sq. m with placing of 583 patients. But the service inquiry revealed that the living space per a sick person was not in correspondence with stipulated sanitary norms. The proper measures to bring the living space per a sick person in accordance with Article 115 of CEC were taken.

According to CPT recommendations the sick persons of №5 and №6 wards were transferred to other premises of the tuberculosis hospital (living space of these wards were up to 5 sq. m.), and now the living space per sick person is 5,3 sq. m. In the ward №5 of the tuberculosis hospital and cells №22, 23, 24 of sector of the maximum security level there were demounted the spare bed places in order to bring the living space in conformity with legal regulations.

As provided by joint Order №3/6 of 18.01.2000 of the State Department and the Ministry of Health of Ukraine "On approval of the legal principles on medical and sanitary provision of persons held in pre-trial institutions and penal establishments of the State Department of Ukraine on Enforcement of Sentences", at the Dnipropetrovsk PE №89 the new comers are treated separately from the other categories of inmates in the special equipped facility in the unit of prisoners' quarantine, diagnostic and distribution.

The TB-active prisoners after serving the criminal sentence are transferred to TB-hospitals at the place of residence.

136 About the broadening of the range of activities available for TB-infected persons at Dnipropetrovsk PE №89

The TB-infected prisoners are allowed to be engage in active activities only by a doctor's decision. There are some contra-indications for such a category of prisoners: high grade of tuberculosis intoxication, lungs-heart cardiac decompensation, lung tuberculosis complications (lungs bleeding, pneumothorax). At Dnipropetrovsk PE №89 the prisoners are allowed to make the morning exercises, ramble in the sport-ground where the sport equipment is installed (tennis-tables, gymnastic kit), and to be engage in active motions. The grounds are furnished with flower-beds and greenery. The patients can walk in the open air according to the hospital's schedule and could be involved in the household works under the doctor's stipulation (territory cleaning).

The TB-infected patients can use the library with stock of 6051 books, study at secondary education school (if they are closed TB-infected).

The three-timed food is organized for prisoners according to Order №125 of 17.05.2004 of State Department. The other categories of prisoners aren't provided with fresh fruit pursuant to Decree №336 of 16.06.1992 of the Cabinet of Ministers of Ukraine. Vegetables are provided according to the standards envisaged by the State Department).

138,139,143,144 About unsatisfactory organization of psychiatric care for detainees in the Kyiv SIZO

The State Department carries out proper measures to improve the arrangement of the detained and sentenced persons with the psychiatric care

Every pre-trial institution has the specialized unit for patients with psychical diseases. The schedule of training enhancement courses is organized for prison psychiatrists on the basis of the educational establishments of the Ministry of Health of Ukraine.

If necessary, more skilled experts of the Ministry of Health of Ukraine can be involved to clear up the diagnosis and scale of inmates' psychical diseases. If hospitalization of the prisoners is considered to be necessary they may be transferred to the specialized mental hospitals.

The decision in relation to reduce the detention term of persons with mental defects in the Kyiv SIZO and other ones is under the courts' competence.

Due to improve conditions of keeping mentally sick persons during the stage of investigation and trial the Ministry of Justice of Ukraine has elaborated the draft Law of Ukraine "On making changes and amendments into some legislative acts of Ukraine (keeping mentally sick persons under guard)", which envisages that the given category of persons should be kept at the specialized psychiatric establishments of the Ministry of Health of Ukraine.

In the framework of the Cooperation Agreement between State Department and State Centre of Social Services for youth during 2010 more than 400 psychologists and 170 other experts were attracted towards the work with 18 thousands prisoners who are under the routine supervision (including 4,000 persons with mental disorder).

The representatives of State Centre of Social Services for youth conducted the following work with inmates in penal establishments and SIZOs:

- psychological assistance (consultation of prisoners and detainees on social-psychological issues, psycho-diagnostic, psychic correction, social assistance in inmates' adaptation process after release from prison);
- social-pedagogical assistance (consultation of prisoners and detainees on their human rights; holding the lectures and trainings aiming to maintain by inmates the health and well-being);
- legal assistance (consultation of prisoners and detainees on points of the civil and criminal legislation, defense of their human rights and interests, assistance in making of the necessary documents);
- information assistance (information booklet's distribution);
- social-health-care assistance (informing of prisoners and detainees about the harmful effect of smoking, alcohol, drug and toxic abuse: methods of being on HIV-infected and some measures to avoid it);
- social and economic consultation (humanitarian aid to prisoners and detainees" informing about possible job placement after release from place deprived of liberty).

In Dnipropetrovsk PE №89 the psychological works directs to the personification psychological measures and prevent the cases of prisoners' suicides.

In Slovianoserbsk PE №60 the psychiatric care and treatment are available for the prisoners under the regulations of Law of Ukraine "On psychiatric care". The given work is organized with provision of appropriate security measures and prevention of cases of dangerous acting by the mentally disturbed prisoners according to "Rules on physical restriction and isolation at the medical assistance to the mentally-disorder persons" (developed by the Ministry of Health of Ukraine on 23.07.2001). The health-care unit is provided with 100% of necessary medication for treating mentally ill prisoners.

In reference to CPT recommendations the post of physician-psychiatrist has already completed at the health-care unit in the Kyiv SIZO. There are two wards for mentally disturbed prisoners to establish now. This category of ill persons is under constant monitoring by medical personnel (the ward round by medical shift personnel is made every day). The transfer of mentally disturbed prisoners to appropriate medical facilities is conducted only by court decision.

Besides, in Kyiv SIZO only primary medical-psychiatric assistance and clinical supervision over the detained and sentenced persons who have the mental disorders are arranged. Such persons should be placed in compulsory order at the specialized medical facilities according to the Law of Ukraine "On psychiatric care". The legislation interprets the actions of such a category of persons as non-offences but social dangerous ones. The mental-disorder persons can't be sentenced. So the placement such people in SIZO is the infringement either the rights of the mental-disorder persons or human rights in general. The mechanism of cooperation between State Department and Ministry of Health on application to the mental-disorder persons the compulsory hospitalization towards the psychiatric stationary while they are awaiting the court's decision is absent.

The present psychotropic medications used by health-care staff at Kyiv SIZO within medical assistance towards detainees do not need separate licensing.

At the same time, purchase, storage, delivery and using of psychotropic medications, narcotic and drastic medications should be done in the special equipped premise in conformity with license issued by Ministry of Internal Affairs of Ukraine.

At present the medical unit of the Kyiv pre-trial institution has only a license to arrange the health care service to detainees issued by the Ministry of Health of Ukraine.

#### 140 About the absence of legal regulations on introduction of the complex programs for drug addicted prisoners

The treatment of drug-addicted prisoners is fulfilled in accordance with recommendations of Ministry of Health of Ukraine. The issue of introduction of substitution therapy programs for drug addicted prisoners is under consideration with participation of governmental bodies and social organizations.

Besides the complex programmes of differentiate correctional dominance are implemented in all penal establishments and pre-trial institutions. They are focused the preventive measures on drug/alcohol-addiction of prisoners and detainees.

On evidence of July 1, 2009 19,000 persons sentenced for illegal production, purchasing, traffic, storage, carriage and dissemination of the psychotropic means or its analogs were held in penal establishments. 7,700 inmates participated in the differentiate programme "Prevention of the drug/alcohol abuse" that favor prisoners to have the healthy life-style and prevent the drug/alcohol abuse during their rehabilitation. During six months of 2010 1,800 drug-addicts were conditionally released, and remainders of the criminal sentence of 231 persons were replaced to commuted sentence. On July 1, 2010 there were 3,600 drug-addicts held in penal establishments who were registered in regular medical check-up of doctor-narkologist and doctor/psychiatrist – persons with mental disabilities (for the analog period in 2009 there were 3,800 drug-addicts, in 2008 – more than 4,000 ones).

As a result of six months of 2010 the total number of prisoners is 370 persons who were applied to a compulsory drug misuse treatment (for the analog period in 2009 there were 440 drug-addicts, in 2008 – 1,377 ones).

On evidence of June 1, 2010 3,494 persons being inclined to take drugs were on the books of psychologists of penal establishments and pre-trial institutions, and 2,616 among them participated in the differentiate programme "Prevention of the drug/alcohol abuse".

#### About no license to use psychotropic medications for detainees in Kyiv SIZO; about the urgent improvement of living conditions in the accommodation for handicapped persons taken held at Kyiv SIZO; About the absence of license on use of an unsatisfactory organisation of psychiatric care to detainees in the Kyiv pre-trial institution

The health-care unit in the Kyiv SIZO is able to arrange only primary medical-prevention assistance and clinical supervision over the detained and sentenced persons. Its activities are carried out in accordance with the Law of Ukraine "Basic legislation of Ukraine on health protection".

The present psychotropic medications used by health-care staff at Kyiv SIZO within medical assistance towards detainees do not need separate licensing.

At the same time, purchase, storage, delivery and using of psychotropic medications, narcotic and drastic medications should be done in the special equipped premise in conformity with license issued by Ministry of Internal Affairs of Ukraine.

At present the medical unit of the Kyiv SIZO has only a license to arrange the health-care service to detainees issued by the Ministry of Health of Ukraine.

In medical unit of the Kyiv pre-trial institution there's a premise foreseen for maintenance of patients with mental diseases with capacity on 4 persons.

At present the issue of establishment of up-to-date medical unit and drug-store in the Kyiv SIZO is under discussion. The positive decision will promote the license being obtaining and therefore purchase, storage, delivery and using of psychotropic medications, narcotic and drastic medications in medical unit of the Kyiv SIZO for detainees with mental diseases. The total budget of this issue is about 50,000 UAH.

#### 141 About treatment of inmates with physical disabilities in Slovianoserbska PE №60

The total number of inmates persons with physical disabilities of Slovianoserbska PE №60 is 86. 18 of them depend on assistance of other persons. These prisoners are placed in the premises on the first floor, the material arrangements are satisfactory and they can have walks in the open air without obstructions.

#### 142 In relation to the insufficient level of providing medical care to the terminally sick patient; in relation to the need of improvement of the medical care organization: acceleration of the procedure of determination of the diagnosis of the noted category of the sentenced persons and creation of proper conditions for them in order their human dignity is observed

In case of revealing a grave illness of a detainee, such person is immediately hospitalized at the local medical establishment of the Ministry of Health of Ukraine. The corresponding investigative body or courts are informed about that without any delay in order to change the restriction measure in relation to such sick person.

In case of revealing a grave illness of a sentenced person, the special medical commission carries out the medical examination at its urgent meeting. After that the necessary materials are forwarded to the court with the purpose of releasing such person from imprisonment because of the grave illness.

For the medical establishment's patients proper treatment of at the Dnipropetrovsk PE №89 all necessary TB-medicine and somatic medicines are provided due to the centralized purchase made by the Ministry of Health of Ukraine (isoniasid, protyonamid, streptomycin, canamycin, ofloxycin, norfloxycin, pynamypicin, etambytol and others).

The treatment regimens are prescribed in accordance with the Order №499 of 27.10.2003 of the Ministry of Health of Ukraine "On approving the instruction in relation to providing assistance to the patients who suffer of TB and heterospecific diseases of lungs". In case of a difficult diagnostic process and with the purpose to make the final diagnosis for the sick imprisoned patients the corresponding specialists of the medical establishments of the Ministry of Health of Ukraine and research institutes of the Academy of Medical Sciences of Ukraine are invited.

During the period till 01.09.2010 the special medical commission of the Kiev Regional Administration of State Department examined 49 terminally ill inmates at the Buchanska PE №85 with the purpose of their early release in accordance with the article 84 of the Criminal Code of Ukraine. After that 41 cases were forwarded to the courts. As a result, 35 terminally ill persons were release, 3 persons were received the refuse to be released and 14 persons died during 7 days after the decisions in relation to their early release were made.

143,144 In relation to the personnel training and retraining

The personnel training of the State Criminal-Executive Service of Ukraine is carried out in the following way:

- training courses for the personnel of the bodies, institutions and establishments on enforcement of sentences and SIZO at the professional training centres;
- organisation of the in-service training for the personnel at the places of service (working places);
- studying at the higher educational establishments, which are engaged in preparing specialists for the State Criminal-Executive Service of Ukraine;
- self-training (creation of proper conditions for increasing the personnel's professional level and qualification).

The professional training at the educational establishments and at the personnel's places of service is regulated by the Instruction adopted with the Order №248 of 23.09.2008 of State Department.

The personnel's primary training and increase of qualification are carried out the special courses at the Bila Tserkva and Dniprodzerzhinsk professional training centres for the State Criminal-Executive Service of Ukraine, as well as at the Chernihiv Law School of State Department in accordance with the corresponding curricula.

In 2010 the training courses at the Bila Tserkva and Dniprodzerzhinsk centers are carried out for 33 categories.

During 10 months of 2010 the Bila Tserkva and Dniprodzerzhinsk training centres of the State Criminal-Executive Service of Ukraine received 1,628 officers (92% of the planned number) for the primary training courses. 1,352 of them graduated from the courses (83% of the planned number).

During the in-service training courses at the personnel's service places the themes "International legal acts on human rights issues and proper treatment of the sentenced persons in the criminal-executive service" and "Application of decisions of the European Court on Human Rights in the national legal system of Ukraine" are taught.

Specialists with higher education are prepared for the State Criminal-Executive Service of Ukraine at the Yaroslav Mudryi National Legal Academy of Ukraine, at the V.N. Karazin National University in Kharkiv and at the Chernihiv Law College of State Department.

The territorial bodies of management of State Department cooperate with the higher educational establishments of other institutions and ministries with the purpose to prepare their specialists at the regional level.

The Chernihiv Law School is engaged in training the higher education specialists with the following qualification levels: "junior specialist" and "bachelor" (specialty: "Law enforcement activity"). In 2006 the Chernigiv Law School obtained the II level of accreditation.

The vacant positions are occupied in accordance with the corresponding qualification requirements for the basic personnel categories of the State Criminal-Executive Service of Ukraine, which were approved by the Order №197-02 of the State Department. Those candidates for the vacancies, who previously served in the internal affairs bodies, criminal-executive institutions/establishments or military units, are checked by the inner security and personnel officers in order to prevent infiltration of persons, who may commit corruption and other illegal acts. The measures for developing the primary training and increase of qualification of the personnel of the State Criminal-Executive Service of Ukraine are regularly taken.

145, 83 In relation to the anti-corruption measures

On implementation of the requirements of the Law of Ukraine "On corruption combating" the Order №164 of State Department on 18.05.2010 for the purpose of preventing and countering corruption.

As a result, the inner security and corruption combating department was created at the central office.

With the purpose of strengthening the measures on prevention of corruption the chief of the above mentioned department is included into the personnel selection commission on substitution of the vacant positions, as well as into the committee on competitive auctions.

Every corruption act, which is committed by the personnel of the State Criminal-Executive Service of Ukraine, is subject of the comprehensive and objective investigation. As a result, the corresponding materials are forwarded to the law enforcement authorities and the public prosecutor office for making decision on bringing the guilty person to the administrative responsibility.

During the first 10 months of 2010, as a result of the prevention, operative and search measures, 64 corrupted officers of the bodies and establishments on enforcement of sentences and SIZOs were brought to administrative responsibility (in 2009 – 82 corrupted officers). On implementation of the article 1 of the Law of Ukraine "On combating corruption" courts brought 47 corrupted officers to the administrative responsibility in 2010. Fines (from 255 to 850 hryvnas) have been applied to them.

The major part of the corruption acts, which are committed by the personnel, consists of the illegal receipt of money as a payment for transmission of the forbidden to the imprisoned persons. 7 officers were brought to the administrative responsibility by courts for the violation of provisions of the article 5 of the Law of Ukraine "On corruption combating" (provision of the unreliable information and illegal advantages to the sentenced persons).

With the purpose of the corruption acts prevention among the state servants the systematic measures are taken by the operative services of the establishments on enforcement of sentences.

149 In relation to the equipment of the exercise-yards at the DIZO/PKT of the Buchanska PE №85

The features of the building, where DIZO/PKT cells of the Buchanska PE №85 are located, do not allow equipping the exercise-yards on the ground floor. If the corresponding funds are available, the exercise-yards' roof would be made of the transparent material in order the sentenced persons are able to see the sky.

In accordance with the item 88 of the "Daily Order Rules of the penal establishments" (approved by the Order №275 of 25.12.2003 of the State Department) the sentenced persons, who are kept at the PKT cells, are not allowed to use the table games, but they may have textbooks, notebooks, post-stamps, envelopes, as well as use the library services, subscribe books, magazines and newspapers.

150, 152. In relation to organisation of the relatives' visits to prisoners who are kept in the PKT/DIZO

The order of organisation of the relatives' visits to prisoners is regulated by the Article 110 of the CEC of Ukraine and Article 12 of the Law of Ukraine "On pre-trial detention".

Administration of the Kyiv SIZO does not prevent the detainees from meeting their relatives during the short-term visits, if the corresponding permissions are provided from the authorities, which process the criminal cases. Equipment at the premises for the short-term visits at the Kyiv SIZO meets the requirements of the normative and legal acts of the State Department. The number of such premises is sufficient for organization of the relatives' visits to all prisoners who are authorization from the corresponding state bodies. Those persons, who are sentenced to the administrative arrest, are under the limitations envisaged by the criminal-executive legislation for the persons, who serve their punishment being imprisoned.

The arrested persons are not allowed to have visits of their relatives or other persons (except lawyers); to receive parcels (except the clothes according to the season).

157. In relation to the new system of inspection

In order to meet the civil requirements and follow the European standards of the public inspections the Centre on preventive monitoring and human rights protection in the activities of the bodies, establishments and institutions of the State Criminal-Executive Service of Ukraine.

The above-mentioned Centre has been created in the framework of implementation of the Optional Protocol to the Convention (ratified by the Law of Ukraine of July 21, 2006) concerning the introduction of the independent preventive mechanism elements against tortures at the national level.

For organization of the public inspection concerning the observance of the sentenced persons' rights in the process of serving their criminal sentences the supervising commissions for the penal establishments and trustee boards for the juvenile correctional institutions are active in Ukraine. They operate on the basis of the CEC of Ukraine and "Regulations on supervising commissions and trustee boards" (ratified on April 1, 2004 by the Directive № 429 of the Cabinet of Ministers of Ukraine). At present there are 148 supervising commissions, which have 512 representatives of the civil society (37% of the general number of the commissions' members).

According to the Directive No 1302 of November 26, 2009 of the Cabinet of Ministers of Ukraine "On additional measures on involving civil society in the process of the state policy formation and implementation" the public councils are active at the State Department and its regional departments. 131 representatives of different non-government organizations, 27 representatives of the mass media and 41 representatives of the religious organizations are members of such councils.

158. In relation to the programmes of rehabilitation of the sentenced persons

According to the Article 100 of the CEC of Ukraine the inmates are transferred to the social rehabilitation section, if they are on the way of their correction and are not under the action of the item 2 of the Article 101 of the CEC of Ukraine. The Dnepropetrovsk PE № 89 has the medium security regime and has the TB hospital in its structure. That is why the overwhelming parts of the sentenced persons at the penal establishment are under the action of item 2 of the Article 101 of the CEC of Ukraine and cannot be transferred to the social rehabilitation section.

158, 159. In relation to preparation of the sentenced persons to be released and in relation to introduction of the Probation Service in Ukraine

On realisation of the Plan of measures on implementation of the Conception of social protection of homeless people during the period till 2012 (ratified by the Decree No 1402 of 05.10.2008 of the Cabinet of Ministers of Ukraine) the State Department carries out measures on improvement of the mechanism of co-operation of the central and local bodies of executive power with the local self-government authorities in the sphere of providing social accompaniment to the persons, who are released from places of deprivation of liberty or before the release, as well as resolving their social and problems.

With the purpose of co-ordination of the efforts of the bodies of executive power in the sphere of social adaptation of persons, who are released from the places of deprivation of liberty, the joint Order No 38/86/89 of the State Department, Ministry of Justice, Ministry of Internal Affairs and Ministry of Labour of Ukraine "On the order of co-operation of the bodies, establishments and institutions on enforcement of sentences, territorial bodies of internal affairs, labour and social protection bodies and employment centers concerning the assistance to the persons, who may be released from imprisonment, referring to their everyday needs, employment and social adaptation" was signed on March 4, 2009.

With the purpose of improving the work in relation to providing national passports to the sentenced persons during the period of their imprisonment since May, 2009 all the penal establishments' administrations should take necessary measures related to the passport system arrangements just after such persons' arrival for serving their sentences. The adopted order, in particular, envisages measures for finding and returning the sentenced persons' national passports (if such documents are absent in their personal history).

Every sentenced person, who does not have the national passport, is required to get acquainted with the order of the documents execution for obtaining the national passport. The corresponding document, which is obligatory to be signed by such sentenced person, is put into his/her personal history.

Besides, the sentenced persons, who do not have their national passports, or their relatives are required to get acquainted with the content of the prison administration's letters to the corresponding state authorities and the answers received from them concerning the passport arrangements.

For increasing the efficiency of providing social assistance to the released persons on the territory of Ukraine the penal establishments regularly receive the information about the organizations, institutions and establishments, which provide social services to the homeless persons and to the persons released from imprisonment. Such information is regularly specified by the Ministry of Labour and Social Policy of Ukraine.

At the same time the Ministry of Labour and Social Policy of Ukraine is informed about the institutions and establishments, which have cooperation with the bodies, institutions and establishments. As a result of such measures 23 new establishments, which had been organised by the charitable foundations and religious organisations in 9 regions of Ukraine, were included into the databank of the above mentioned Ministry.

The Ministry of Labour and Social Policy of Ukraine is regularly informed by the State Department about the number those sentenced persons, who are going to be released from imprisonment (including the conditional release) and need social assistance and consumer services to be provided to them.

The Slovianoserbska PE №60 implements the differentiated treatment programme "Preparation of prisoners to be released". At present 2 sentenced persons take part in the programme and 26 prisoners have completed their participation in the programme since the beginning of 2010. Besides, 38 sentenced persons took part in 7 meetings with the NGOs' representatives during 2010 at that penal establishment.

As a result of the corresponding activities of the Ukrainian authorities in 2008 several legislative acts were adopted in order to extend the practice of the alternative measures to imprisonment and create the Probation Service.

On June 23, 2009 the Verkhovna Rada of Ukraine adopted the Decree No 1538-VI concerning the draft law "On making amendments to in the Criminal and Criminal-Executive Codes of Ukraine in relation to introduction of the social conduct correction of the conditionally sentenced or released persons" (register No 3329). The draft law was accepted as a basis.

On November 26, 2008 the Verkhovna Rada of Ukraine received the draft laws of Ukraine "On Probation" (register No 3412) and "On making amendments in some legislative acts of Ukraine" (register No 3413) related to humanization of the criminal legislation, as well as organizational and legal basis for introduction of probation. Those draft laws were elaborated under the aegis of the Institute of Legislation of the Verkhovna Rada of Ukraine with the assistance of the UN Child Fund (UNICEF) and active participation of the State Department.

Besides, the Canadian Agency of International Development provides financial support for implementation of the programme "Reforms of the juvenile justice system in Ukraine" during 2009 – 2014 in the context of implementation of the programme by the Government of Ukraine on strengthening the rule of law and reforming the judicial and legal system. The Order of 16.03.2010 No 198/1 of the Ministry of Justice of Ukraine approved the creation of the working group on introduction of the juvenile justice system in Ukraine. Specialists of the State Department are included into that working group.



The State Department within the framework of its competence takes part in realization of the Two year plan of cooperation between the United Nations Child Fund (UNICEF) and the Government of Ukraine for the period 2010 – 2011 in accordance with the Decree No 1108-p May 31, 2010 of the Cabinet of Ministers Ukraine.

**D. Establishments subordinate to the Ministry of Health of Ukraine (hereinafter – MOZ).**

In relation to the proper conditions of treatment of patients of the Ukrainian high security psychiatric hospital of MOZ

The administration of the Ukrainian high security psychiatric hospital of MOZ has developed special training programmes on the Ukrainian legislation related to the psychiatric assistance providing. In the framework of the mentioned programmes the hospital's guards (inspectors) are trained how to work with the mentally sick patients. They learn the patients' rights, the principles of ethics and deontology, character of the psychical diseases development and features of the patients' conduct. They are taught the rules of conduct during their official duties fulfillment at the medical sections. They are regularly instructed before every service shift.

In relation to ill-treatment toward sick persons

For preventing ill-treatment toward patients the hospital's branch managers are obliged to carry out daily instructions of the inspector on duty and to register the facts of ill-treatment toward patients. In case of the violations revealing they should inform the chief of the guard unit and the deputy chief doctor on medical issues about it. According to the Order No 32 of 04.01.2010 of the Ukrainian high security psychiatric hospital the deputy chief of the guard unit is the member of the hospital's commission on ethics. The latter is engaged in considering the facts of violations committed by the personnel.

In relation to the patients' living conditions improvement

With the purpose of the living conditions improvement for the patients the dining-rooms of three branches are reconstructed for being used as dormitories. The exercise-yards for patients are covered with tents. The walking area and seating capacity for the open-air leisure has been increased.

In relation to the psychological and social rehabilitation of patients who were subject to the medical enforcement measures

The Centre of medical and social rehabilitation and legal aid of the hospital is engaged in carrying out the methodological and organisational measures of the psychological rehabilitation of the patients during all the stages of application of the medical enforcement measures. Such measures are taken in the framework of the rehabilitation and therapeutic programmes. They are planned individually for every patient during the corresponding stage of the medical treatment. It should be taken into consideration that 99% patients are invalids. The patients' leisure is organized in the following way: watching TV, reading books and periodicals (the library is available), listening to the radio broadcasting, playing chess and checkers.

In relation to registration of facilities of limitation of motion of patients

All the cases of the movement restriction measures applied to the patients are registered in accordance with the adopted standards, including the medical restriction measures. The corresponding register book contains the records of all the cases of the medical restriction measures application including the list of medicines, doses, time, methods and multiplicity of their application, as well as the information about the time of the patients' excitation decrease and their calming.

In relation to the official complaints and appeals

In October, 2009 the system of the patients' official complaints and appeals directly to the chief doctor and his/her deputies was introduced. So, the branch managers are no more involved in collecting the patients' official complaints and appeals. Special small boxes are placed in the exercise yards for that purpose. The patients' official complaints and appeals are registered and considered according to the envisaged order.

In relation to the AIDS/HIV countering in places of imprisonment

The State Department is the co-organiser of the National programme on the HIV-infection prevention, treatment, medical examination and corresponding support to the HIV-infected and AIDS patients for the period 2009 – 2013 was approved by the Law of Ukraine of February 19, 2009 (№1026-VI). On evidence of 01.01.2010 only 347 patients got the ART treatment. 91 of such patients got the ART treatment at the expenses of the regional centres on AIDS prevention and treatment in connection with beginning of their ART treatment before the imprisonment.

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